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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,370	07/31/2000	Jason Sulak	18/05085742	5426

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ARTER & HADDEN, LLP
1100 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1475

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,370

Applicant(s)

SULAK ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Compact Disc Submission

1. This application contains a computer program listing of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing contained on more than three hundred (300) lines, must be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)). Accordingly, applicant is required to cancel the current computer program listing, file a computer program listing appendix on compact disc in compliance with 37 CFR 1.96(c), and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

Claim Objections

2. Claim 13 is objected to because of the following informalities: the term “one” is missing in the phrase “at least of the following functions”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,552,994 (Cannon et al.).

Referring to claim 10, Cannon discloses means for creating, modifying and printing of a

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printable product (column 1, lines 18-21). Cannon also discloses means for downloading data defining a printable product from a remote storage device (column 4, lines 56-59). Cannon also discloses modification means for modifying the defining data (column 5, lines 18-19). Cannon also discloses a print formatting means for formatting the defining data for printing (column 11, lines 55-59).

Referring to claim 11, Cannon discloses modification methods for manipulating one or more design elements (column 11, lines 50-60).

Referring to claim 12, Cannon discloses that the design elements include text and graphics (column 11, lines 50-53).

Referring to claim 13, Cannon discloses that the printing format includes performing division into panels associated with a fold format (column 12, lines 3-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon and U. S. Patent No. 6,313,835 B1 (Gever et al.).

Referring to claims 1 and 14, Cannon discloses a system for creating and printing a product (column 1, lines 19-21). Cannon also discloses a computer network through which databases of data defining a plurality of printable products can be accessed (column 4, lines 56-61). Cannon does not disclose that a server stores all the data defining the products and a first

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program providing modifying and assembling functions for creating and printing the products. Gever discloses the online creation of certain components and the use of a client/server system to create these components (column 1, line 4 and lines 12-15). Gever also discloses that with the client/server system, a client computer can access the server and download certain programs, which may be needed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cannon's invention such that there was a client/server system wherein the data and programs for modifying and printing the cards would be accessed by the client through the computer network. Cannon discloses a creating and printing system for cards and suggests that the user can access the information through a computer network or a CD-ROM (column 14, lines 16-21). Gever discloses that there do exist tools, generally in CD-ROM format, which would need to be distributed or purchased by the user in order to develop components. Gever also discloses that most users do not get much advantage of getting these tools and hence would be more appropriate to use the Internet to access such tools for creating certain components. See column 1, lines 29-32. One skilled in the art, at the time of the invention would be motivated to learn from Gever's teachings and implement a client/server system which would allow users to easily access a program to modify and print a product without having to purchase a CD-ROM with the tool.

Referring to claims 2 and 15, Cannon discloses that the plurality of printable products includes greeting cards, invitations and announcements (column 1, lines 26-28).

Referring to claims 3 and 16, Gever discloses that the client includes a browser program for accessing the web server to display web pages (column 1, lines 12-15). Gever also discloses that software code will enhance the functionality of the browser (column 1, lines 18-21).

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Referring to claims 4 and 17, Cannon discloses selectively retrieving the defining data that defines a selected printable product (column 5, lines 5-8). Cannon does not disclose a first program, which would control the downloading of the data to the client. Gever does disclose that a program can be sent to the client, which is then run within the browser to execute certain instructions. This program would control certain actions within the browser such as downloading of information that is needed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cannon's invention such that there was a first program, which would control the actions that are needed to execute the instructions of an online creation system. Cannon does suggest that the user can access the information through a computer network (column 14, lines 16-21). Gever discloses that there do exist tools, generally in CD-ROM format, which would need to be distributed or purchased by the user in order to develop components. Gever also discloses that most users do not get much advantage of getting these tools and hence would be more appropriate to use the Internet to access such tools for creating certain components. See column 1, lines 29-32. With the Internet being used to access the online creation and printing system, there needs to be a program which would execute and control the actions that are needed to carry out the creation of a product (column 1, lines 18-21). Hence, one skilled in the art, at the time of the invention would be motivated to learn from Gever's teachings and implement a client/server system which would allow users to easily access a program to control the actions to create the printable product.

Referring to claims 5 and 18, Cannon discloses that the defining data defines graphical elements, text elements and formatting data associated with the graphical and text elements (column 3, lines 63-66).

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Referring to claim 6, Cannon discloses that the system includes a printer associated with a client computer (column 7, lines 45-47).

Referring to claims 7 and 19, Cannon discloses assembling the printing data for printing the printable product on the printer (column 11, lines 55-59).

Referring to claims 8 and 20, Cannon discloses that assembling of printing data also includes division into panels for anticipating printing in a desired format (column 12, lines 3-5).

Referring to claims 9 and 21, Cannon discloses that modification includes modifying font, color and position within a panel (column 11, lines 50-60).

Conclusion

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a system for online creation of products.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

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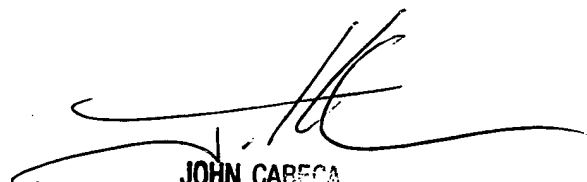
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 3, 2003


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100